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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,250	06/30/2000	Tsuguhiro Korenaga	33216M050	2081

7590

09/26/2002

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

10

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/609,250

Applicant(s)

KORENAGA et al.

Examiner

M-VARGOT

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 6/26/02

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by

Greschner et al (see col. 4, lines 3-7).

The claims are rejected essentially for reasons of record. Although there was/is admittedly confusion in the rejection/applicant's comments concerning the interpretation of the temperatures taught in the reference, it is submitted that this does not obviate the 102 rejection. In an attempt to set matters straight, it would appear that the molding temperature  $T_1$  is indeed around 600 deg C--see the stamp temperature shown in the Examples at column 6, lines 30-42. However, the important point to understand is that it is actually immaterial as to exactly what the molding or pressing temperature is, since column 4, lines 3-7 explicitly teach that the "substrate is to be cooled after the forming process, **while still in contact with the stamp**". Hence, the release temperature or temperature for separating must be less than the molding or pressing temperature and therefore  $T_1$  must be greater than or equal to  $T_2$ . Concerning equation (2), the limiting factor is in fact the difference in thermal expansion coefficients. Since this is  $1 \exp(-6)$ , regardless of the exact temperatures for pressing or releasing or the exact value of the diameter  $d$ , equation (2) must also be satisfied.

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8, 9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greschner et al essentially for reasons of record.

The exact pressing and releasing temperatures are submitted to have been result effective variables whose determination would have been readily determined dependent on exact substrate used.

3. Applicant's arguments filed June 26, 2002 have been fully considered but they are not persuasive. Applicant's arguments seem to be that since there is some confusion as to exactly what the temperatures are in the reference that it can not anticipate the instant claims. However, such is not persuasive. While col. 4, lines 35-45 does indicate that the stamp temperature should be lower than 380-450 deg C, the examples at column 6 show stamp temperatures of 500-645 deg C. Regardless, it is submitted that applicant has misread the reference concerning the separation temperature. Again, see col. 4, lines 3-7, which clearly discloses that the substrate is cooled while in contact with the stamp--ie, the separation temperature must be lower than the pressing temperature.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

**MATHIEU D. VARGOT  
PRIMARY EXAMINER  
GROUP 1300**

September 25, 2002